

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

VANDRICK PAYNE,

Plaintiff,

v.

WA TRANSPORT, LLC, WHITE TIGER
TRANSPORT, LLC, NATIONAL
INDEMNITY COMPANY, CANAL
INSURANCE COMPANY AND ARSHAD
MIZO,

Defendants.

CIVIL ACTION FILE
NUMBER 21-C-06415-S2

**DEFENDANTS WA TRANSPORT, LLC, WHITE TIGER TRANSPORT, LLC,
NATIONAL INDEMNITY COMPANY AND ARSHAD MIZO'S NOTICE OF REMOVAL**

1.

Plaintiff Vandrick Payne filed civil action file number 21-C-06415-S2 against Defendants WA Transport, LLC, White Tiger Transport, LLC, National Indemnity Company, Canal Insurance Company and Arshad Mizo in the State Court of Gwinnett County, Georgia August 30, 2021. Defendants attached copies of the Summons and Complaint as Exhibit "A" and these Defendants' Answer as Exhibit "B."

2.

Plaintiff and Defendant Canal Insurance Company filed a motion to dismiss Defendant Canal without prejudice September 20, 2021 and the Court has not ruled.

3.

Plaintiff was a citizen and resident of Georgia when he filed the Summons and Complaint and Demand for Jury Trial. § 1, Exhibits "A" and "B".

4.

Defendant WA was an Ohio corporation with its principal office in Ohio when the Plaintiff filed the Summons and Complaint for Damages. § 2, Exhibits "A" and "B".

5.

Defendant White Tiger was a Michigan corporation with its principal office in Michigan when Plaintiff filed the Summons and Complaint for Damages. § 3, Exhibits "A" and "B".

6.

Defendant National Indemnity was a Nebraska corporation with its with its principal office in Nebraska when Plaintiff filed the Summons and Complaint for Damages. § 4, Exhibits "A" and "B".

7.

Defendant Canal was a South Carolina insurance company with its with its principal office in South Carolina when Plaintiff filed the Summons and Complaint for Damages. § 5, Exhibits "A" and "B".

8.

Defendant Mizo was a citizen and resident of Michigan when Plaintiff filed the Summons and Complaint for Damages. § 6, Exhibits "A" and "B".

9.

There is complete diversity of citizenship in this case.

10.

This personal injury action arises from a motor vehicle collision and Plaintiff claims special damages for past and future medical expenses and loss of income in the past and future (see ad damnum paragraph d.) and specifically he claims past medical expenses in excess of \$27,000.00 and a life care plan with future medical expenses totaling \$164,769.69 for a two-level anterior cervical fusion and discectomy surgery at C4-C6. Therefore, the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

11.

This civil action is properly removable to this Court pursuant to 28 U.S.C. §§ 1441(a), 1446(a) and 1446(b). In accordance with 28 U.S.C. § 1332(a), there exists a complete diversity of citizenship between Plaintiff and Defendants and the amount in controversy, exclusive of interest and cost, exceeds \$75,000.

12.

All Defendants consent to the removal of this civil action.

13.

These Defendants notify the Court, the Clerk, and all parties within thirty days after service and receipt of the Summons and Complaint filed in the State Court of Gwinnett County that they removed this civil action to this Court pursuant to 28 U.S.C. § 1446 and Fed. R. Civ. P. 11.

DENNIS, CORRY, SMITH & DIXON, LLP

/s/ Grant B. Smith

GRANT B. SMITH, ESQ.

Georgia bar number 658345

/s/ Andrew W. Hughes

ANDREW W. HUGHES, ESQ.

Georgia bar number 684273

For the Firm

Attorneys for Defendants WA

Transport, LLC, White Tiger

Transport, LLC, National Indemnity

Company, and Arshad Mizo.

900 Circle 75 Parkway, Suite 1400

Atlanta, Georgia 30339

(404) 926-3671

Gbs@dcplaw.com

Ahughes@dcplaw.com

CERTIFICATE OF SERVICE

I electronically filed **DEFENDANTS' NOTICE OF REMOVAL** with the Clerk of Court using the Odyssey efileGA system which will send notification of such filing to the following:

Michael Williford, Esq.
Morgan & Morgan Atlanta, PLLC
191 Peachtree Street, N.E.
P.O. Box 57007
Atlanta, GA 30343

I served the document by depositing it in the United States mail in a properly-addressed envelope with adequate postage thereon, on the following non-Odyssey efileGA system participants: None.

This 30th day of September, 2021.

/s/ Grant B. Smith
GRANT B. SMITH, ESQ.
For the Firm

I prepared this document in Courier New, 12-point type.

54-13792 (GBS)